

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS  
MINUTES OF THE MEETING OF

August 4, 2006

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by John Nall, Hearing Officer.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of August 4, 2006, together with the maps and staff reports attached thereto and incorporated therein by reference.

**PUBLIC COMMENT PERIOD**

John Mack, architect, speaks on item #5 – MIMS. Addresses water tank, road, and oaks. Cites staff report error regarding water tank placement. States there is an existing metal building which will stay in tact. Indicates the exhibit prepared by staff does not work for the applicant. Displays map for review and indicates the correct location of proposed project. Staff indicates they feel the proposed location is inferior to any other location on the parcel, and believes the staff report is correct. Jack Hardy, father of applicant, asks for clarification of the term “environmentally inferior”, with staff responding. Jennifer Leininger, sister-in-law of applicant, speaks regarding the other residences. Asks about future problems with other individuals seeking to build homes in this area, with staff responding.

**CONSENT AGENDA:**

None

**NON-HEARING ITEMS:**

1. This being the time set for hearing to consider a request by **RICK OLIVERA** for a Minor Use Permit/Coastal Development Permit to add an approximately 1,205 square foot garage/workshop to the existing detached garage which is located to the rear of the existing single family residence. The project will result in a site total of 2,822 square feet of footprint and 3,857 square feet of gross structural area on an approximately 14,614 square foot parcel. The project includes construction that will impact five pine trees, and remove five pine trees. The project is located at 2200 Tully Place in the Community of Cambria, in the North Coast Planning Area. This project is exempt under CEQA. **County File No: DRC2005-00186.** Assessor Parcel Number: 023-072-008. Supervisorial District 2. Date Accepted: June 20, 2006.

**Thereafter, on motion of the hearing officer, the Minor Use Permit / Coastal Development Permit is granted based on Findings A through N in Exhibit A and subject to Conditions 1 through 26 in Exhibit B. (Document No. 2006-315)**

2. This being the time set for hearing to consider a request by **DEBRA JOHNSON** for a Minor Use Permit/Coastal Development Permit to construct a new two story, approximately 2496 square foot, residence. The project will result in the disturbance of approximately 5,000 square feet of a 5,000 square foot parcel. The proposed project is within the Residential Single Family land use category

and is located on a vacant lot that is located on the south side of 1<sup>st</sup> street in between Pacific Ave. and South Ocean. The site is in the Estero planning area. This project is exempt under CEQA. **County File No: DRC2005-00159.** Assessor Parcel Number: 064-123-014. Supervisorial District 2. Date Accepted: June 29, 2006.

**Thereafter, on motion of the hearing officer, the Minor Use Permit / Coastal Development Permit is granted based on Findings A through I in Exhibit A and subject to Conditions 1 through 11 in Exhibit B. (Document No. 2006-316)**

3. This being the time set for hearing to consider a request by **BARBARA BOYER** for a Minor Use Permit/Coastal Development Permit to allow demolition of existing dwelling and construction of a new two-story 1,354 square-foot single family residence plus a 210 square foot attached garage. The project will result in the disturbance of approximately 1,564 square-feet of an approximately 2,689 square-foot parcel. The proposed project is within the Residential Single-Family land use category and is located at the south end of Pacific Avenue between 23<sup>rd</sup> and 24<sup>th</sup> Street in Cayucos. The site is in the Estero planning area. This project is exempt under CEQA. **County File No: DRC2005-00166.** Assessor Parcel Number: 064-185-010. Supervisorial District 2. Date Accepted: June 29, 2006.

**Thereafter, on motion of the hearing officer, the Minor Use Permit / Coastal Development Permit is granted based on Findings A through I in Exhibit A and subject to Conditions 1 through 11 in Exhibit B. (Document No. 2006-317)**

4. This being the time set for hearing to consider proposal by **NICK WATRY** for a Minor Use Permit to allow the construction of a 3,860 square foot single family residence, 672 square foot secondary dwelling, and 1,040 square foot attached garage. The project is located in the Residential Rural Land Use Category/Sensitive Resource Area Combining Designation. The Minor Use Permit is required by conditions of approval for Tract 2292. The property is located on Lot 13 of Tract Map 2292, on Paseo de Caballo west of Highway One, approximately one-half mile west of Stenner Creek Road, west of the City of San Luis Obispo, in the San Luis Obispo Planning Area. This project was found to be consistent with the previous adopted Mitigated Negative Declaration for Tract 2292. **County File No: DRC2005-00178.** Assessor Parcel Number: 073-333-014. Supervisorial District #2. Application Accepted: March 22, 2006.

**Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through J in Exhibit A and subject to Conditions 1 through 19 in Exhibit B. (Document No. 2006-318)**

5. This being the time set for hearing to consider a request by **CHARLENE MIMS** for a Minor Use Permit to modify the distance limitation for a secondary unit. The project would authorize the construction of a secondary dwelling 980 feet away from the primary dwelling, where ordinance requirements would limit the distance to 250 feet. The subject parcel is approximately 8.97 acres in size and is located within the Agriculture land use category. The project site is addressed at 7550 Mary Hall Road, and the proposed building site for the secondary dwelling is located adjacent to the platted alignment for Burnice Draper Court, approximately 0.44 miles south of the intersection of Huasna Road and Jatta Road. The site is

located approximately 8.3 miles east of the City of Arroyo Grande, in the Huasna-Lopez planning area. This project is exempt under CEQA. **County File No: DRC2005-00148.** Assessor Parcel Number: 048-251-054, 061. Supervisorial District: 4. Date Accepted: June 23, 2006.

**Thereafter, on motion of the hearing officer, the Minor Use Permit is denied based on Findings A through D in Exhibit A.**

**HEARING ITEMS:**

6. This being the time set for continued hearing for a request for review by **EDWARD KERLEY AND OAK RIDGE HOME OWNERS** of Mitigated Negative Declaration (ED05-021) for the proposal by **EDMOND HEINBOCKEL** to allow for as-built grading for a single-family dwelling and future agricultural building. The grading has resulted in the disturbance of approximately 23,760 square feet on a 48 acre parcel with 450 cubic yards of cut and 450 cubic yards of fill. The project site is within the Rural Lands land use category and is located east of San Rita Old Creek Road (at 3773 Sunrise Ridge Road) approximately 4 miles west of Templeton. The site is in the Adelaida planning area. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq.) has been issued on June 22, 2006 for this project. The Mitigated Negative Declaration noticing period for this project ended on July 12, 2006. **County File Number: PMT2004-03336.** Assessor Parcel Number: 046-241-003. Supervisorial District #1. Date Accepted: March 12, 2005.

**MINUTES:**

Hearing Officer: John Nall

Others: Ed Heinbockel, applicant; Paul Sorensen, Geology Consultant to Mr. Heinbockel; Stewart McLennan, neighbor; Barry Fisher, neighbor; Edward Kerley, attorney and neighbor; Bob Parsons, neighbor.

**Josh LeBombard**, staff, presents project. Summarizes issues raised regarding the project at the November 18, 2005 Planning Department Hearing. Discusses the hydrogeologic study prepared for the project, and summarizes those results.

**Ed Heinbockel**, applicant, indicates he is in agreement with staff's recommendation of approval of this project. States he has agreed to comply with all conditions of approval.

**Edward Kerley**, attorney and neighbor, addresses concerns regarding community well. Refers to letter dated August 2, 2006 from Doherty & Kerley and concerns with the Hydrologic Report. Refers to aerial for review and comment. He reviews locations of wells, sloping, and sandstone conditions in relation to the available water supply. Addresses lack of information provided regarding how much water is actually being drawn from the existing well.

**Barry Fisher**, neighbor, responds. States concerns with resultant traffic, use of pesticides, and road damage due to increased traffic for agriculture use. States he would like to see Mr. Heinbockel work out differences with his neighbors.

**Stewart McClennan**, neighbor, states he is against the project. Indicates he would like to know if the conditions of the negative declaration have to be completed before a permit is issued, and

requests clarification. Cites concerns with the pond water level which is spring and well fed that tends to get low. Has no problems with a residence, but he is very much against intensive agriculture use. States he spoke to a vineyard manager that stated there are very few located at these heights. Addresses drainage of water from the top of the ridge.

**Mr. Fisher** states the elevation is actually about 1,750' in height.

**Mr. McClennan** adds his concerns with the heat levels, and the amount of gasoline to be stored for the proposed project.

**Mr. Fisher** addresses the pond which was originally intended to be available to fight fires.

**Edward Kerley** responds, stating the pond is still used for fire fighting response.

**Bob Parsons**, neighbor, indicates his concerns are many. States his first concern is permitting. He addresses the CC&R's and feels they should be followed. Feels Mr. Heinbockel's project is being "shoehorned" in where it shouldn't be allowed and would like to see the County do what is right.

**Ed Heinbockel**, applicant, addresses ag use, stating it is allowed in this area. Indicates a Hydrogeologic study was performed for this project.

**Paul Sorensen**, geology consultant, submits information for the record. Discusses concerns by neighbors. Address recharge area and volume of water in storage. Discusses the Franciscan Formation which is non-water bearing. States all water is transmitted entirely through fractures. The supply is determined by how large these are, how many and amount of water coming in. Describes the area in general, and the amount of residing water levels in the existing rocks. Addresses well capability issues. He refers to the ridge which basically constitutes the aquafer, and how the water enters the well. Discusses interference and communication of wells. Indicates the geology of the area. Discusses the Schneider well in comparison with Mr. Heinbockel's well. Explains the bedding plains and flow of water, which indicate there is no direct communication between the wells.

**Mr. McClennan** states his well is lower than Mr. Heinbockel's well. States he feels the whole ridge line should be reviewed.

**Mr. Sorensen** explains the water flow with further diagrams. Describes the area as a synclinal structure in nature, and explains how it effects water flow beneath the ground, and how it would cause different water levels for different wells in the same area. He then discusses the pump test performed on the Heinbockel well, and indicates the water supply from between the Schneider's well is separate from Mr. Heinbockel's. He addresses vineyard studies done in the area, and vineyard demands for water, giving statistics of the water that would be required by Mr. Heinbockel's 1-acre vineyard.

**Mr. Kerley** indicates he is disappointed that the homeowners were not included in the initial selection of the agency performing the hydrogeological study. Refers to Mr. Sorensen's display and addresses the water catchment area. Questions flow of water going uphill. States concerns with the recharge area at the top of the hill.

**Mr. Sorensen** responds, referring to a topographical map. States there is a very large area for encapsulation of water, which is approximately a couple of thousand acres. There is further

review of the area map and well locations. There is discussion of the surface water flow from well to well. He explains why there is a similar catchment location, indication percolation that enters the fracture system. He explains the rock bedding layer system and effects on water flow, which create artesian--type water flow effects.

**Mr. McClennan** questions effects from the San Simeon earthquake on the water supply in the area and the various fractures. He cites his concerns with changes in the fractures causing loss of water flow.

**Josh LeBombard** discusses vineyard permitting and exemptions. States the County cannot regulate vineyards. Indicates the County did take the liberty of requesting a hydrogeologic study from Mr. Heinbockel due to a possible vineyard with his project request. He indicates the County went above and beyond what the County typically does due to the nature of this request. Indicates once a vineyard is installed, the County has no regulatory control. He explains the environmental review process.

**Mr. Kerley** asks about the possibility of doing a pump down test above 24 hours to measure the actual impact on the water supply.

**Mr. Sorensen** indicates that generally 24 hours is more than sufficient to indicate any impact on water supply.

**Mr. Kerley** clarifies that several of the neighbors actually have wells on the same side as Mr. Heinbockel.

There is further discussion of the catchment areas.

**Hearing officer** discusses the study performed, indicating Mr. Sorensen is a very respected geologist in the County of San Luis Obispo, and states he is strongly swayed by Mr. Sorensen's study. He clarifies for the record that there are requirements that Mr. Heinbockel will have to meet for permitting of his project approval, as well as ongoing review by mitigated measures required in the Negative Declaration. He explains the appeal process and fees for appeal. He instructs staff to ensure follow-up on this project and all mitigation measures, with periodic updates presented to him personally.

**Mr. McClennan** states his approval, and questions whether the requirements are transferred with sale of the property.

**Hearing officer** clarifies this is correct, and indicates that any mitigated measures will stay with the property and any future development of the same nature.

**Josh LeBombard** discusses ag issues.

**Barry Fisher** requests further clarification regarding condition requirements and compliance, with staff responding all steps will be timed and monitored.

**Staff** explains how the staff report and various other documentation may be accessed on the County website.

**Mr. LeBombard** asks about the possibility of submitting timed documentation regarding progress as each step of the permit process proceeds, with Mr. Heinbockel responding he would be willing to do this.

**Thereafter, on motion of the hearing officer, the request for review of Mitigated Negative Declaration (ED05-021) is approved and the Negative Declaration is upheld subject to required mitigation measures. (Document No. 2006-319)**

There being no further business to discuss, the hearing is adjourned at 11:25 a.m.

Respectfully submitted,  
Mary Velarde, Secretary  
Planning Department Hearings